

All Jurors are required to be selected by the Sheriff, and no person who is conscientiously opposed to the holding of slaves, or who does not admit the right to hold slaves in the Territory, shall be a Juror in any cause affecting the right to hold slaves or relating to slave property.

The Slave Code, and every provision relating to slaves, are of a character intolerant and unusual even for that class of legislation. The character and conduct of the men appointed to hold office in the Territory contributed very much to produce the events which followed. Thus, Samuel J. Jones was appointed Sheriff of the County of Douglas, which included within it the 1st and 2d Election Districts. He had made himself peculiarly obnoxious to the settlers by his conduct on the 30th of March, in the 2d District, and by his burning the cabins of Joseph Oakley and Samuel Smith.

An election for delegates to Congress, to be held on the 1st day of October, 1855, was provided for with the same rules and regulations as were applied to other elections. The Free State men took no part in this election, having made arrangements for holding an election on the 9th of the same month. The citizens of Missouri attended at the election of the 1st of October, some paying the dollar tax, others not being required to pay it. They were present and voted at the voting places of Atchison and Doniphan, in Atchison County; at Green Springs, Johnson County; at Willow Springs, Franklin, and Leavenworth, in Douglas County; at Fort Scott, Bourbon County; at Baptiste Paola, Lykins County, where some Indians voted, some whites paying the \$1 tax for them; at Leavenworth City, and Kickapoo City, Leavenworth County; at the latter place under the lead of General B. F. Stringfellow and Col. Lewis Barnes, of Missouri. From two of the election precincts, at which it was alleged there was illegal voting, viz.: Delaware and Wyandotte, your Committee failed to obtain the attendance of witnesses. Your Committee did not deem it necessary in regard to this election to enter into details, as it was manifest that from there being but one candidate—Gen. Whitfield—he must have received a majority of the votes cast. This election, therefore, depends not on the number or character of the votes received, but upon the validity of the laws under which it was held. Sufficient testimony was taken to show that the voting of citizens of Missouri was practiced at this election, as at all former elections in the Territory. The following table will exhibit the result of the testimony as regards the number of legal and illegal votes at this election. The County of Marshall embraces the same territory as was included in the 11th District; and the reasons before stated indicate that the great majority of the votes then cast were either illegal or fictitious. In the Counties to which our examination extended, there were — illegal votes cast, as near as the proof will enable us to determine.

ABSTRACT OF POLL BOOKS OF OCTOBER 1, 1855.

COUNTIES.	TOWNSHIPS.	No. of Legal votes.	No. of Illegal votes.
Atchison,	Grasshopper,	—	—
	Shannon,	—	—
Bourbon,		50	192
Brown,		4	—
Calhoun,		99	—
Davis,		12	—
Doniphan,	Burr Oak,	41	1
	Iowa,	31	—
	Wayne,	62	4
	Washington,	39	—
	Wolf River,	33	108
Douglas,	Franklin,	23	63
	Lawrence,	42	—
	Leavenworth,	—	—
	Willow Springs,	33	279
Franklin,		13	—
Jefferson,		—	—
Johnson,		90	190
Leavenworth,	Alexandria,	—	—
	Delaware,	—	—
	Kickapoo,	—	50
	Leavenworth,	—	109
	Wyandotte,	—	136
Lykins,		—	—
Lynn,	(See Wise Co.)	24	147
Madison,		6	—
Marshall,		28	—
Nemaha,		—	—
Riley,		—	—
Shawnee,	One Hundred and Ten,	23	—
	Tecumseh,	32	—
Wise,	Council Grove,	14	—

While these enactments of the alleged Legislative Assembly were being made, a movement was instituted to form a State Government and apply for admission into the Union as a State. The first step taken by the people of the Territory, in consequence of the invasion of March 30, 1855, was the circulation for signature of a graphic and truthful memorial to Congress. Your Committee find that every allegation in this memorial has been sustained by the testimony. No further step was taken, as it was hoped that some action by the General Government would protect them in their rights. When the alleged Legislative Assembly proceeded to construct the series of enactments referred to, the settlers were of opinion that submission to them would result in depriving them of the rights secured to them by the organic law. Their political condition was freely discussed in the Territory during the summer of 1855. Several meetings were held in reference to holding a Convention to form a State Government and to apply for admission into the Union as a State. Public opinion gradually settled in favor of such an application to the Congress to meet in December, 1855. The first general meeting was held in Lawrence on the 13th of August, 1855. The following preamble and resolutions were then passed:

"Whereas, the people of Kansas have been, since its settlement, and now are, without any law-making power; therefore, be it
Resolved, That we the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by common necessity, do hereby call upon and request all bona fide citizens of Kansas Territory, of whatever political views or professions, to consult together in their respective Election Districts, and in mass convention or otherwise elect three delegates for each representative to which said Election District is entitled in the House of Representatives of the Legislative Assembly, by proclamation of Gov. Reeder, of date 19th of March, 1855, and delegates to assemble in Convention at the town of Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State Constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America.

Other meetings were held in various parts of the Territory, which endorsed the action of the Lawrence meeting, and delegates were selected in compliance with its recommendations.

They met at Topeka on the 19th day of September, 1855. By their resolutions they provided for the appointment of an executive committee to consist of seven persons, who were required to "keep a record of their proceedings and shall have a general superintendence of the affairs of the territory, so far as regards the organization of the State government." They were required to take steps for an election to be held on the second Tuesday of October following, under regulations imposed by that committee, for members of a Convention to form a Constitution, adopt a bill of rights for the people of Kansas, to take needful measures for organizing a State government, preparatory to the admission of Kansas into the Union as a State. The rules prescribed were such as usually govern elections in most of the States of the Union, and in most respects, were similar to those contained in the proclamation of Gov. Reeder, for the election of March 30, 1855.

The Executive Committee appointed by that convention accepted their appointment, and entered upon the discharge of their duties by issuing a proclamation addressed to the legal voters of Kansas, requesting them to meet at their several precincts, at the time and place named in the proclamation, then and there to cast their ballots for members of a constitutional convention, to meet at Topeka on the fourth Tuesday of October then next.

This proclamation designated the places of elections, appointed judges, recited the qualifications of voters and the appointment of members of the convention.

After the proclamation was issued, public meetings were held in every district in the Territory, and in nearly every precinct. The State movement was a general topic of discussion throughout the Territory, and there was but little opposition exhibited to it. Elections were held at the time and place designated, and the returns were sent to the Executive Committee.

The result of the election was proclaimed by the Executive Committee, and the members elect were required to meet on the 23d day of October, 1855, at Topeka. In pursuance of this proclamation and direction, the Constitutional Convention met at the time and place appointed, and formed a state constitution. A memorial to Congress was also prepared, praying for the admission of Kansas into the Union under that Constitution. The convention also provided that the question of the adoption of the constitution and other questions be submitted to the people, and required the executive committee to take the necessary steps for that purpose.

Accordingly, an election was held for that purpose on the 15th day of December, 1855, in compliance with the proclamation issued by the Executive Committee. The returns of this election were made by the Executive Committee, and an abstract of them is contained in the following table:

[This table is abridged, the whole number of votes in thirty-nine towns on the several questions submitted being as follows:]

	Yes.	No.
On the adoption of the Constitution,	1932	46
General Banking Law,	1120	564
Instructions to Legislature in regard to the exclusion of Negroes,	1267	603

N. B. Poll Book at Leavenworth was destroyed.

The Executive Committee then issued a proclamation reciting the result of the election of the 15th of December, and at the same time provided for an election to be held on the 15th day of January, 1856, for State Officers and Members of the General Assembly of the State of Kansas. An election was accordingly held in the several election precincts, the returns of which were sent to the Executive Committee.

The following officers were elected.
Governor—Charles Robinson.
Lt. Governor—Wm. Y. Roberts.
Secretary of State—P. S. Schuyler.
Auditor—G. A. Cutler.
Treasurer—J. A. Wakefield.
Attorney General—H. Miles Moore.
Representative to Congress—M. W. Delahay.

Supreme Judges—M. Hunt.
S. N. Latta.
M. F. Conroy.
Reporter Supreme Court—E. M. Thurston.
Clerk Supreme Court—S. B. Floyd.

The result of this election was announced by a proclamation by the Executive Committee.

In accordance with the constitution thus adopted, the members of the State Legislature and most of the State Officers met on the day and at the place designated by the State constitution and took the oath therein prescribed.

After electing United States Senators, passing some preliminary laws, and appointing a Codifying Committee and preparing a memorial to Congress, the General Assembly adjourned to meet on the 4th day of July, 1856.

The laws passed were all conditional upon the admission of Kansas as a State into the Union. These proceedings were regular, and in the opinion of your committee the constitution thus adopted fairly expresses the will of the majority of the settlers. They now await the action of Congress upon their memorial.

These elections whether they were conducted in pursuance of law or not, were not illegal.

Whether the result of them is sanctioned by the action of Congress, or are they regarded as the mere expression of a popular will, and Congress should refuse to grant the prayer of the memorial, that cannot effect their legality. The right of the people to assemble and express their political opinion in any form, whether by means of an election or a convention, is secured to them by the constitution of the United States. Even if the elections are to be regarded as the act of a party, whether political or otherwise, they were proper, in accordance with examples both in States and Territories.

The elections, however, were preceded and followed by acts of violence on the part of those who opposed them, and those persons who approved and sustained the invasion from Missouri were peculiarly hostile to these peaceful movements preliminary to the organization of a state government. Instances of this violence will be referred to hereafter.

To provide for the election of delegates to Congress, and at the same time to do it in such a manner as to obtain the judgment of the House of Representatives upon the validity of the alleged Legislative Assembly, sitting at Shawnee Mission, a Convention was held at Big Springs on the 5th and 6th days of September, 1855. This

was a party Convention, and a party calling itself the Free State party was then organized. It was in no way connected with the State movement, except that the election of the delegates to Congress was fixed by it on the same day as the election of members of the Constitutional convention, instead of the day prescribed by the Legislative Assembly. Andrew H. Reeder was put in nomination as Territorial delegate to Congress, and an election was provided for under the regulations prescribed for the election of March 30, 1855, excepting as to the appointment of officers, and the persons to whom the returns of the elections should be made. The election was held in accordance with these regulations, and the returns of which is contained in the following table:

Abstract of the election of A. H. Reeder:

District.	Falling Place.	No.	District.	Falling Place.	No.
1.	Lawrence,	557	9.	Pawnee,	—
	Blanton,	77	10.	Big Blue,	—
	Palmyra,	16		Rock Creek,	—
2.	Bloomington,	116	11.	Black Vermilion,	—
	Benicia,	27	12.	St. Mary's,	—
3.	Brownsville,	65		Silver Lake,	—
	Topeka,	131	13.	Plummet Hill,	—
	Tecumseh,	31		Falls Precinct,	—
	Big Springs,	35		Hickory Point,	—
4.	Camp Creek,	7	14.	Burr Oak,	—
	Willow Springs,	54		Doniphan,	—
5.	Hampden,	33		Palermo,	—
	Nesbitt,	16	15.	Oreona,	—
	Shannon,	44		Crosby's Bluff,	—
	Oakway Station,	74		Johnson Creek,	—
	Pottawatomie,	56	16.	Leavenworth,	—
	Big Sugar Creek,	28		Wyandotte,	—
	Little Sugar Creek,	41		Delaware,	—
6.	South Town,	27		Easton,	—
	Columbia,	30		Edge Point,	—
7.	Forty's,	12	17.	Wakarusa,	—
	Council City,	92		Madison,	—
8.	Washington,	95	18.	Iowa Point,	—
	A. J. Baker,	16			
	Total,				

The resolutions of this Convention indicate the state of feeling which existed in the Territory in consequence of the invasion of Missouri, and the enactments of the alleged Legislative Assembly. The language of some of the resolutions is violent, and can be justified either in consequence of the attempt to enforce the acts of tyranny, or for the purpose of guarding against a similar action in future.

In the fall of 1855, there sprang out of the existing excitement in the Territory, two secret Free State Societies. They were defensive in their character, and were designed in protection to their members against unlawful attacks of violence. One of the societies was of a purely local character, and was confined to the town of Lawrence. Very shortly after its organization, it produced its desired effect, and then went out of existence. Both societies were cumbersome, and of no use except to give confidence to the Free State men, and enable them to know and aid each other in contemplated danger. So far as evidence shows, they led to no act of violence in resistance to real or alleged laws.

On the 21st day of November, 1855, F. M. Coleman, a Free State man, and Charles W. Dow, a Free State man, had a dispute about the division line between their respective claims. Soon afterwards, as Dow was passing from a blacksmith's shop to his claim, and by the cabin of Coleman, the latter also on his double-barreled gun loaded with slugs. Dow was armed, fell across the road, and died immediately. This was about 10 P. M. His dead body was allowed to lie where it fell until sundown, when it was conveyed by Jacob Branson to his house, which Dow boarded. The testimony in regard to this murder is voluminous, and shows clearly that it was a deliberate murder. Coleman, and that Harrison Buckley, and a Mr. Hargous, were accessories to it. The excitement caused by it was very great, all classes of settlers. On the 20th, a large meeting of citizens held at the place where the murder was committed, and resolved that Coleman should be brought to justice. In the meantime Coleman had gone to Missouri, and then to Gov. Sumner's Shawnee Mission, in Johnson County. He was there in custody by S. J. Jones, then acting as Sheriff. No warrant issued or examination had. On the day of the meeting at Edge Point, Harrison Buckley procured a peace warrant against Branson, which was placed in the hands of Jones. That same evening, after Branson had gone to bed, Jones came to his cabin, party of about twenty-five persons, among whom were Harrison Buckley—burst open the door, and saw Branson in bed. He drew his pistol, cocked it, and presented it to Branson's head, saying, "You are my prisoner, and if you move I will kill you through." The others cocked their guns and gathered round and took him prisoner. They all mounted and went to Edge Point house.

After a time they went on a circuitous route towards Edge Point, stopping to "drink" on the way. As they approached the bridge there were thirteen in the party, several having arms. Jones rode up to the prisoner, and among other things, told him that he had "heard there were one hundred men at your place, and that he regretted they were not there, and that they cheated out of their sport." In the meantime, the slugs had given in the neighborhood of Branson's arrest, and several others, among whom were some who had attended the meeting at Edge Point that day, gathered together. They were gathered there; the alleged injustice of such an arrest of a quiet citizen, a peace warrant from "Sheriff Jones," aided by two men, to be accessories to a murder, and who were allowed to be exasperated them, and they proceeded as rapidly as possible by a nearer route than that taken by Jones, and stopped near Edge Point. They were on foot as Jones approached on a canter. The rescuers suddenly formed a line in front of Jones and his party. Jones halted at the sight, and said, "What's up?" The reply was, "That's what we want to know. What's up?" Branson said, "They have got me a prisoner." One of the rescuing party told him to come over to their place, and did so, and dismounted, and the mule he rode was driven off by Jones' party; Jones then left. Of the persons engaged in the rescue, three were from Lawrence, and had attended the same rescue, as it was made the groundwork of what is known as the Wakarusa war. On the same night of the rescue, the color